

AMENDED
COMPLAINT

FILED - GR
March 26, 2013 11:04 AM

TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY anm / Scanned AM 3:26

PARTIES

1. Plaintiff's address is:

Name DENNIS SCOTT
Address 3943 Bridgeport
City LANSING State MI Zip Code 48911
Phone 517 6460824

1:13-cv-198

Robert Holmes Bell
U.S. District Judge

2. Defendant's address is:

Name JACK COOPER TRANSPORT Co.
Address 9151 Bilwood Hwy
City DIMONDALF State MI Zip Code 48821
Phone 1866 449 6345

COUNT I - TITLE VII

NATURE OF PROCEEDINGS

3. Plaintiff seeks legal and equitable relief for the denial of certain rights secured by the Civil Rights Act of 1964, codified as 42 U.S.C. Sections 2000e to 2000e-17. Such relief is authorized by 42 U.S.C. Section 2000e-5(g).

JURISDICTION

4. This Court has jurisdiction pursuant to 42 U.S.C. Section 2000e-5(f)(1)(3).

ADDRESS

5. Is the address where the discriminatory act(s) took place the same address as for defendant?
☒ yes ☐ no. If different from the defendant's address, the discriminatory act(s) took place at:

Address _____
City _____ State _____ Zip Code _____
Phone _____

FACTS

If you were not hired because of your race, color, sex, religion, or national origin, please complete the following:

Refusal to Hire

6. Provide a brief statement of the facts to include the following:

A. Date of application:

B. If not hired, date of refusal to hire:

C. If you were not hired because of your sex, race, color, religion, or national origin, please list the names (if known) of other applicants who were hired and their sex, race, religion, or national origin (whichever is applicable to your case):

N/A

If you were treated differently than other employees because of your race, color, sex, religion, or national origin, please complete the following:

Difference in Terms and Conditions of Employment
Because of Race, Color, Sex, Religion, or National Origin

7. Provide a brief statement of the facts to include the following:

A. Job position plaintiff held at the time of discharge, demotion, denial of promotion or job bid, denial or difference in pay or benefits, or other discriminatory act:

OTR - CAR HAULER

B. Date the act(s) occurred: 3/24/10

C. Was there a general layoff or reduction in force (if you know)?

☐ yes ☒ no.

D. Rate of pay when this occurred: \$ 12.00

☐ per hour ☒ per week

E. Name (if known) and race, color, sex, religion, or national origin (if known) of any individual treated differently than you because of your race, color, sex, religion, or national origin (whichever is applicable):

UNKNOWN

F. Sexual harassment consisted of the following acts, by the following individuals:

N/A

Factual Statement

The following is plaintiff's account of the facts:

~~COPY SENT - SEE ATTACHMENT~~

N/A

CAUSE OF ACTION

8. Defendant violated plaintiff's civil rights by the following discriminatory act(s):

- ☐ Failure to hire plaintiff;
☐ Termination of plaintiff's employment;
☐ Demotion of plaintiff;
☐ Denial of promotion or job bid to plaintiff;
☐ Sexual Harassment;
☒ Denial of the same terms and conditions of employment given to other employees but denied plaintiff because of race, color, sex, religion or national origin;
☐ Other Acts (please specify)

9. Defendant, in committing the above acts, has violated Title VII of the Civil Rights Acts of 1964 because of plaintiff's (check all that apply):

- ☒ race
☒ color
☐ sex (includes harassment and pregnancy/maternity)
☐ religion
☐ national origin

10. Charges were filed with the Equal Employment Opportunity Commission on (state the date or best estimate):

4 - 10

Attach a copy of the Charge you filed with the Equal Employment Opportunity Commission.

11. Charges were filed with the Michigan Department of Civil Rights on (state the date or best estimate):

11/17

Attach a copy of the Charge you filed with the Michigan Department of Civil Rights.

STATUTORY PREREQUISITE

12. Plaintiff received a "Right to Sue" letter from the Equal Employment Opportunity Commission on (insert date):
11/7/12 and this suit is filed within a 90-day period as required by 42 U.S.C. Section 2000e-5.

RELIEF

13. Plaintiff requests the following (check applicable box(es)):

- ☒ That all fees, costs or security be waived;
☒ That the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney fees;
☐ That the Court grant reinstatement where appropriate.

COUNT II - EQUAL PAY ACT (if applicable)

NATURE OF PROCEEDINGS

14. Plaintiff seeks relief for the denial of certain rights secured by the Equal Pay Act of 1963, codified as 29 U.S.C. Section 206(d). Such relief is authorized under 29 U.S.C. Section 626(b).

JURISDICTION

15. This Court has jurisdiction pursuant to 29 U.S.C. Section 216(b).

ADDRESS

16. Is the address where the discriminatory act(s) took place the same address as for defendant?
☐ yes ☒ no. If different from the defendant's address, the discriminatory act(s) took place at:

LAKE LAND HOSPITAL
 Address _____
 City ST JOSEPH State MI Zip Code _____
 Phone _____

FACTS

17. Provide a brief statement of the facts to include the following:

A. Job position plaintiff held at the time when the pay discrimination occurred:

OTR CAR HAULER - (DELIVER NEW CARS)

B. Rate of pay when this occurred: \$ 14.00 ☐ per hour ☒ per week

C. Name and job positions held by individuals who were paid more than plaintiff because of that individual's sex:

The following is plaintiff's account of the facts:

SEE ATTACHMENT

CAUSE OF ACTION

18. By committing the above acts defendant has violated the Equal Pay Act of 1963 by using sex as a determining factor for pay.

19. Defendant's conduct was wilful.

20. Charges were filed with the Equal Employment Opportunity Commission on (state the date or best estimate):

4-10

Attach a copy of the Charge you filed with the Equal Employment Opportunity Commission.

21. Charges were filed with the Michigan Department of Civil Rights on (state the date or best estimate):

EEOC CHARGE #

471-2011-03575

Attach a copy of the Charge you filed with the Michigan Department of Civil Rights.

STATUTORY PREREQUISITE

22. This suit has been filed within three years of the wilful discriminatory act.

RELIEF

23. Plaintiff requests the following (check applicable box(es)):

- ☒ That all fees, costs or security be waived;
☒ That the Court grant such relief as may be appropriate, including liquidated damages, costs and attorney fees.

CONCLUSION

REQUEST FOR APPOINTMENT OF ATTORNEY

If you have been unable to get an attorney to take your case and would like to request the court to appoint counsel for you, please complete the following:

24. Plaintiff has done the following things in an effort to obtain counsel: *called over 7 law firms to only get the same answer. There is not enough money in your case for us to take it.*

25. ☒ Plaintiff has been unable to retain counsel and requests the court to appoint an attorney.

REQUEST FOR JURY TRIAL

26. Plaintiff requests a jury trial. ☒ yes ☐ no.

Dated: 3/14/13

Mr. D. M. Smith
Signature of Plaintiff